IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.60 OF 2007

Anjali Arvind Joshi ...Petitioner

vs.

Vasant Keshav Sinnarkar & Ors. ...Respondents

Mr.T.D.Deshmukh for the Petitioner
Ms Lalita Panchakshari for the Respondent No.5.

CORAM: A.S.OKA,J.
DATE : JUNE 16, 2007.

P.C.:

1. Heard Advocate for the Petitioner and the Advocate for the Respondent No.5. In the Affidavit filed on 3rd May 2007 the Respondent No.5 in paragraph No.6 has stated thus :

"6. I say that M/s.Jalan Construction Co. is a partnership firm engaged in a business of Promoter & Builder and M/s.Shinde Joshi & Associates is our Architect. M/s.Shinde Joshi & Associates are preparing designs for our projects and their office is comparatively small and it was inconvenient for us to go to their office and get the designs/plans prepared from them, so I have given them permission to use the said Flat No.9 which is in my possession. Now the said design/the project of preparation plan is over and now the said Flat No.9 is in my possession. I say that I have not parted with the possession or have not created any sort of third party

interest in the said Flat No.9. I say that only the permission to use the said flat for making the designs/ plans of our projects was given to M/s.Shinde Joshi & Associates."

2. Today, the learned Advocate for the Respondent No.5 has tendered Affidavit of Shri Aniruddha Tanaji Shinde, a partner of M/s.Shinde, Joshi and Associates. The said Affidavit is taken on record and marked 'X' for identification. In paragraph 2 of the said Affidavit, it is stated thus :

. "M/s.Jalan Construction Co. is one of our regular clients. We are preparing plans for them. Our office is comparatively small and the suit property is in area where the office of M/s.Jalan Construction is situated, so it was convenient for both of us to use the Flat No.9 in the Nutan Classic premises as our temporary office. So we were working from the Flat No.9 in Nutan Classic preparing plans/sketches of the new scheme of M/s.Jalan Construction Co. We used the office for about 2 1/2 to 3 months from December 2006 to February 2007. At that that time also the Flat No.9 was under the lock and key of M/s.Jalan Construction Co. their staff was also sitting with our staff in the said flat. As our job for that scheme is over, we have stopped using the said flat now."

3. There is also a similar Affidavit filed by Shri Milind Anil Joshi, another partner of M/s.Shinde Joshi & Associates. The said Affidavit is taken on record and marked 'Y' for identification.

4. The statements made by the Respondent No.5 as well as the statements made in the aforesaid Affidavits are accepted. In view of the said statements, it is not necessary to proceed further. Notice issued under the Contempt of Courts Act,1971 is discharged. Petition is disposed of.

JUDGE